

**STATE WATER CONTROL BOARD ENFORCEMENT ACTION  
AMENDMENT TO  
SPECIAL ORDER BY CONSENT  
ISSUED TO  
BEDFORD COUNTY PUBLIC SCHOOL BOARD  
FOR  
LIBERTY HIGH SCHOOL  
(VPDES Permit No. VA0020796)**

**SECTION A: Purpose**

This is an Amendment to a Consent Special Order issued under the authority of Va. Code §62.1-44.15(8a) and (8d) by the State Water Control Board to the Bedford County Public School Board, for the purpose of revising certain provisions of the Consent Special Order that was issued by the State Water Control Board to the Bedford County Public School Board on October 13, 1998 (“1998 Order”).

**SECTION B: Basis for Amendment:**

1. A Special Order by Consent was issued to the Bedford County Public School Board (“BCPSB”), effective 10/15/97 (“1997 Order”). The purpose of the 1997 Order was to allow the BCPSB to upgrade wastewater treatment facilities at Liberty High School and six other county schools to meet final effluent limits as specified in their VPDES permits.
2. Because six of the upgrades were required within a six month period, the BCPSB requested an amendment to allow rescheduling of construction in order to spread out the capital cost over a three year period. The compliance schedule in the 1997 Order required BCPSB to upgrade Liberty High School by 12/31/98 and meet the ammonia final limit by 03/31/99.
3. The 1997 Order was amended on 05/19/98 (“1998 Amendment”). The purpose of the 1998 Amendment was to revise the work schedule for the seven schools in the 1997 Order. The

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BCPSB had failed to upgrade three of the schools, as required in the 1997 Order. The 1998 Amendment required the BCPSB to upgrade/replace the treatment facility at Liberty High School by 07/31/1999 and meet the ammonia final limit by 10/99.

4. In August 1998, the BCPSB elected to connect Liberty High School to public sewer. Because extensive general building and utility systems renovations were also planned at Liberty High School, coordination of these renovations with connection to public sewer would delay funding until the 2001-2003 Literacy Loan period. Accordingly, completion of the connection to public sewer would be delayed until mid-2002.
5. A Special Order by Consent addressing New London Academy and Liberty High School was issued to the BCPSB on 12/13/00 (“2000 Order”). The 2000 Order required that the BCPSB upgrade Liberty High School by March 31, 2002, and complete closure of the lagoon by March 31, 2003.
6. On July 8, 2002, the Department issued a Notice of Violation (W2002-07-0002) ) to the BCPSB because the BCPSB had not complied with the 2000 Order. Specifically, the BCPSB had failed to connect to public sewer by March 31, 2002.
7. A Special Order by Consent was issued to BCPSB on January 8, 2003. The Order assessed a civil charge for failing to connect to public sewer. Liberty High School was connected to public sewer in November 2002.
8. DEQ enforcement staff was contacted by BCPSB staff on January 27, 2003. BCPSB staff requested that the March 31, 2003 closure deadline be moved to a later date. Because the facility was connected eight months late and inclement weather the lagoon will not be ready for closure by March 2003.

**SECTION C: Agreement and Order**

Accordingly, the State Water Control Board, by virtue of the authority granted it in Code §62.1-44.15(8a), orders the Bedford County Public School Board and the Bedford County Public School Board agrees to perform the actions described in Appendix A of this Amendment, which supercedes Paragraph 8 of Appendix A of the 2000 Order. Both the State Water Control Board and the Bedford County Public School Board understand and agree that this Amendment does not alter, modify, or amend any other provision of the 2000 Order and that unmodified provisions of the 2000 Order remain in effect by their own terms.

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And it is so ORDERED this day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Robert G. Burnley, Director  
Department of Environmental Quality

I voluntarily agree to the issuance of this Amendment.

\_\_\_\_\_  
Shirley McCabe  
Chairman, BCPSB  
Date: \_\_\_\_\_

State of Virginia  
County of Bedford

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2003,  
by Shirley McCabe, who is the Chairman of the Bedford County Public School Board, on behalf of the  
Board.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

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### **Appendix A**

1. Not later than August 31, 2003, the Bedford County Public School Board will complete closure of the lagoon at Liberty High School.